

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated November 18, 2009, and in accordance with the telephone interview conducted on February 3, 2010. Claims 1 to 8, 12, 13, and 15 to 23 are amended for clarity as discussed during the telephone interview. Claims 24 to 27 are withdrawn from consideration without prejudice or disclaimer. A Supplemental Information Disclosure Statement is submitted herewith. Please charge deposit account number 02-1818 for any fees due in association with the Supplemental IDS and this Response.

Applicant notes that this application has been assigned to IGT, and K&L Gates LLP has assumed responsibility for prosecution of the this application. The appropriate Power of Attorney and Assignment documents have been duly filed.

The Office Action stated that Applicant's previous election with traverse "is not found persuasive because, after further search, relevant prior art was discovered and hence, search burden exists." (page 2). Applicant has withdrawn previously pending claims 24 to 27 in an effort to expedite prosecution of the this application. Applicant reserves the right to present arguments regarding the propriety of the traversal in the future should such arguments become necessary.

The Office Action rejected claims 1 to 5, 8, 13, 14, and 18 to 22 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,805,907 to Hagiwara ("Hagiwara"). Applicant disagrees and traverses this rejection.

Hagiwara discloses a slot machine including one main machine and a plurality of subordinate machines connected to the main machine. (Abstract). According to Hagiwara, "[b]efore a player starts a game on a slot machine, the whole slot machine is turned on and a demonstration game is displayed on the CRT display device 6 [of the main machine] and the CRT monitors 7a-7c [of the subordinate machines]." (col. 2, ll. 44-47). Hagiwara discloses that various starting conditions could exist. For example:

[a] typical condition depends on the number of the subordinate machines in which coins have been bet, and a period of time which has passed since the end of the previous game. To give an instance according to this typical condition, if the period of time is within 30 seconds, the game does

not start when only one of the subordinate machines has coins bet, and if the period of time exceeds 50 seconds, the game starts even when only one of the subordinate machines has coins bet. (col. 2, ll. 52-61).

When a game starting condition is satisfied, the system starts the game. (col. 3, ll. 7-8). During the game, "CRT display device 6 and the CRT monitors 7a-7c display the proceeding of the game. That is, symbol rows are displayed in motion as if a plurality of reels...were rotating about a given shaft." (col. 3, ll. 12-16). When a winning combination of symbols is found, "the CPU computes a payment rate for each won combination of each subordinate machine" and outputs a payment command to a corresponding subordinate machine. (col. 3, ll. 22-25).

Amended independent claim 1 is directed to a method of operating a gaming system including determining data representative of at least one limiting criterion selected from the group consisting of an end time of automated play, a wager amount on each play of the game of the automated play, and a rate of play of the automated play, causing at least one processor to initiate the automated play of one or more gaming devices, the automated play including a then-unknown quantity of plays of the game, which quantity is greater than one, without requiring any input from the player after initiation of the automated play, each play of the game associated with a probability greater than zero of resulting in an award having a value greater than zero, in which at least one of the one or more gaming devices is not available for manual play during the automated play, causing the at least one processor to terminate the automated play of the one or more gaming devices according to the determined data representative of the at least one limiting criterion, receiving a first signal including a representation of at least a portion of the automated play, receiving a request from a remote player to view the representation of at least the portion of the automated play, and after receiving the first signal and the request from the remote player, transmitting a second signal to the remote player, the second signal including the representation of at least the portion of the automated play.

Applicant respectfully submits that Hagiwara does not disclose each and every element of amended independent claim 1.

First, as discussed during the telephone interview of February 3, 2010, Hagiwara does not disclose determining data representative of at least one limiting criterion

selected from the group consisting of an end time of automated play, a maximum number of plays of a game of the automated play, a wager amount on each play of the game of the automated play, and a rate of play of the automated play, causing at least one processor to initiate the automated play of one or more gaming devices, the automated play including a then-unknown quantity of plays of the game, which quantity is greater than one, without requiring any input from the player after initiation of the automated play, each play of the game associated with a probability greater than zero of resulting in an award having a value greater than zero, and causing the at least one processor to terminate the automated play of the one or more gaming devices according to the determined data representative of the at least one limiting criterion. Rather, each play of the game of Hagiwara appears to be initiated by a player input, such as the player placing a wager on the play of the game. That is, no play of Hagiwara appears to occur without requiring player input. Since Hagiwara appears to require a player to provide an input to initiate each play of the game, Applicant submits that Hagiwara does not disclose the claimed automated play.

The Office Action relied on column 2, lines 11 to 15 of Hagiwara as disclosing automated play of a gaming device. Applicant disagrees, and submits that the cited portion of Hagiwara discloses that main machine 1 includes a central processor for showing pictures and patterns in the symbol memory – that is, for providing a single play of the game. As noted, Applicant submits that this single play of the game is provided in response to a player input, such as the player placing a wager. Therefore, the cited portion of Hagiwara does not disclose the claimed automated play.

Applicant further directs the Examiner's attention to paragraphs 43 to 45 of the instant specification for a description of an example of automated play as recited in amended independent claim 1. Specifically:

The present invention is directed generally to automated play of a gaming device or devices. In various embodiments, a player enters player identifying information and player parameter selections at a gaming device. The gaming device stores the player parameter selections and proceeds to initiate automated play of the gaming device or of multiple gaming devices.

Such automated play may occur while the gaming device is unattended by the player. In various embodiments, the gaming device is locked-up such that no other player may use the gaming device during automated play. In various other embodiments, the gaming device is not locked-up, allowing a player to play the gaming device even while the gaming device is involved in automated play for a remote player. In this manner, the casino may benefit from increased usage of the gaming device.

As noted above, one or more gaming devices used for automated play may be unavailable for manual play (for at least some period of time). For example, a gaming device may be locked-up or may otherwise be configured (or be configurable) so as to prevent manual play (at least temporarily). According to some embodiments, one or more gaming devices used for automated play may be physically inaccessible to a player (or to any player). For example, a plurality of slot machines may be stored in a location (e.g., a warehouse or room) that players are not permitted to enter. (¶43-45).

This exemplary disclosure further clarifies the differences between the automated play of claim 1 and the disclosure of Hagiwara.

Applicant submits that amended independent claim 1 is further distinguished over Hagiwara because Hagiwara does not disclose that at least one of the one or more gaming devices is not available for manual play during the automated play. As noted, Hagiwara does not disclose the claimed automated play. Thus, Applicant submits that Hagiwara cannot disclose that at least one gaming device is not available for manual play during automated play. Hagiwara is directed simply to enabling players to wager on plays of a game, and receive payments therefor, at subordinate devices connected to a main machine.

Hagiwara also does not disclose receiving a first signal including a representation of at least a portion of the automated play, receiving a request from a remote player to view the representation of at least the portion of the automated play, and after receiving the first signal and the request from the remote player, transmitting a second signal to the remote player, the second signal including the representation of at least the portion of the automated play. As noted above, and as discussed during the telephone interview, Hagiwara does not disclose automated play as claimed. Thus, Hagiwara cannot disclose the handling of the representation of at least the portion of the automated play as in amended independent claim 1.

Regardless of whether Hagiwara discloses displaying the results of a play of a game initiated by a player on a subordinate device, as stated by the Office Action, Applicant submits that nothing in Hagiwara suggests that display on the subordinate device is made only upon receiving a request from a remote player. That is, Hagiwara discloses that if a player wagers at a subordinate device, the results of the game are automatically displayed at that subordinate device. Hagiwara does not suggest that the players at the subordinate devices have the option to view the results at the subordinate devices. A person of ordinary skill in the art would understand that receiving a request from a remote player to view the representation of at least the portion of the automated play, and after receiving the first signal and the request from the remote player, transmitting a second signal to the remote player, the second signal including the representation of at least the portion of the automated play is substantially different than simply enabling a player to place a wager and automatically displaying the results of a local play of a game.

For at least the reasons given above, and as discussed during the telephone interview, Applicant submits that amended independent claim 1 is patentably distinguished over Hagiwara and is in condition for allowance.

Claims 2 to 5, 8, 13, 14, and 18 to 22, which depend directly or indirectly from claim 1, are each patentably distinguished over Hagiwara for the reasons given above, and because of the additional features recited in these claims. Thus, Applicant submits that claims 2 to 5, 8, 13, 14, and 18 to 22 are each in condition for allowance.

The Office Action rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Hagiwara in view of U.S. Patent No. 5,909,357 to Orr ("Orr"). Applicant disagrees and traverses this rejection.

Regardless of whether Orr discloses that vertically stacked devices take up minimal space, as stated by the Office Action, Orr does not remedy the deficiencies of Hagiwara identified above with respect to amended independent claim 1. Thus, Applicant submits that claim 6, which depends from independent claim 1, is patentably distinguished over Hagiwara in view of Orr and is in condition for allowance.

The Office Action rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Hagiwara in view of U.S. Patent No. 5,813,914 to McKay et al. ("McKay"). Applicant disagrees and traverses this rejection.

Regardless of whether McKay discloses a slot machine assembly comprising a number of parts including a slot machine casing, as stated by the Office Action, Applicant submits that McKay does not remedy the deficiencies of Hagiwara identified above with respect to amended independent claim 1. Thus, Applicant submits that claim 7, which depends from independent claim 1, is patentably distinguished over Hagiwara in view of McKay and is in condition for allowance.

The Office Action rejected claims 9 to 12 under 35 U.S.C. §103(a) as being unpatentable over Hagiwara in view of U.S. Patent No. 5,697,844 to Von Kohorn ("Von Kohorn"). Applicant disagrees and traverses this rejection.

Regardless of whether Von Kohorn teaches a remote gaming system used in a casino, as stated by the Office Action, Von Kohorn does not remedy the deficiencies of Hagiwara identified above with respect to amended independent claim 1. Thus, Applicant submits that claims 9 to 12, which depend directly or indirectly from claim 1, are each patentably distinguished over Hagiwara in view of Von Kohorn and are each in condition for allowance.

The Office Action rejected claims 15 to 17 and 23 under 35 U.S.C. §103(a) as being unpatentable over Hagiwara in view of U.S. Patent No. 5,259,613 to Marnell II ("Marnell"). Applicant disagrees and traverses this rejection.

Amended independent claim 23 includes certain similar elements to amended independent claim 1. Thus, for reasons similar to those given above with respect to claim 1, Hagiwara does not anticipate amended independent claim 23.

Amended independent claim 23 also includes, among other elements, receiving a first video signal captured by a camera, the first video signal indicating at least one outcome of at least one play of the game of the automated play, causing the at least one processor to generate a second video signal indicative of the at least one outcome of the at least one play of the game of the automated play, determining at least one

communication device associated with the remote player, and transmitting the second video signal to the determined at least one communication device.

The Office Action stated that "Hagiwara discloses the invention substantially as claimed, as discussed above, but does not teach receiving the first signal from a camera viewing the automated play, wherein the camera is controlled by a player." (page 7). The Office Action relied on Marnell to remedy the deficiencies of Hagiwara.

The cameras of Marnell appear to be used only to provide video information to a player sitting at a slot machine in a gaming establishment. (see, e.g., col. 3, ll. 29-31). That is, Marnell appears to be limited to video that is first captured with a video camera and thereafter distributed to video monitors such that players sitting at gaming devices can view the video. Applicant submits that Marnell does not disclose receiving a first video signal captured by a camera, the first video signal indicating at least one outcome of at least one play of the game of the automated play, causing the at least one processor to generate a second video signal indicative of the at least one outcome of the at least one play of the game of the automated play, determining at least one communication device associated with the remote player, and transmitting the second video signal to the determined at least one communication device.

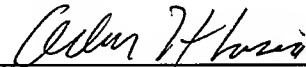
Regardless of whether Marnell discloses the use of a video camera, as stated by the Office Action, Marnell does not remedy the deficiencies of Hagiwara identified above with respect to amended independent claim 1. Moreover, Marnell does not disclose receiving the video signal captured by the camera, as in independent claim 23. Thus, Hagiwara in view of Marnell does not disclose or render obvious amended independent claim 23. Claim 23 is patentably distinguished over Hagiwara in view of Marnell and is in condition for allowance.

Claims 15 to 17 depend from independent claim 1, and include certain similar elements to amended independent claim 23. Thus, for reasons similar to those given above with respect to amended independent claims 1 and 23, and because of the additional features recited in claims 15 to 17, claims 15 to 17 are patentably distinguished over Hagiwara in view of Marnell and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: February 17, 2010